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DIGEO, INC. 8815 122ND NE KIRKLAND, WA 98033			SHELEHEDA, JAMES R	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,309

Applicant(s)

ISTVAN, ANTHONY F.

Examiner

James Sheleheda

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-10, 13-20 and 22-33 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-6, 8-10, 13-20 and 22-33 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
2. Claim 30 rejected under 35 U.S.C. 102(e) as being anticipated by Gaughan et al. (Gaughan) (6,097,383) (of record).

As to claim 30, Gaughan discloses a remote control (20) for an interactive television system (Fig. 1; column 3, lines 54-63) comprising:

a first button (column 3, lines 54-63) for initiating the display of a full-screen browser image in a user interface for the interactive television system (column 4, lines 44-50);

a second button (column 3, lines 54-63) for initiating the display of a reduced-size television image over a portion of a full-screen browser image in the user-interface (column 4, lines 44-48 and line 64-column 5, line 2);

a third button (column 3, lines 54-63) for initiating the display of a reduced-size browser image over a portion of a full-screen television image in the user-interface (column 4, lines 44-48 and lines 59-64); and

a fourth button (column 3, lines 54-63) for initiating the display of a full-screen television image in the user interface (column 4, lines 44-48 and lines 50-53).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gaughan in view of Schindler et al. (Schindler) (5,867,223).

As to claim 31, while Gaughan discloses a system (Fig. 1) comprising:

a client terminal (14); and

a remote control device for the client terminal (20, column 3, lines 54-63), the remote control device comprises buttons (column 3, lines 54-63) for changing the relative sizes of a browser image and a television image displayed in a user interface of the client terminal (wherein television and Internet switch in size between full screen and PIP; column 4, line 44-column 5, line 2 and column 6, lines 40-67) and for cycling between a plurality of display modes in a user interface for the client terminal (column 4, line 44-column 5, line 2 and column 6, lines 40-67), the display modes comprising:

a full-screen browser image (column 4, lines 44-50);

a reduced-size television image over a portion of a full-screen browser image (column 4, lines 44-48 and line 64-column 5, line 2);

a reduced-size browser image over a portion of a full-screen television image (column 4, lines 44-48 and lines 59-64); and

a full screen television image (column 4, lines 44-48 and lines 50-53), he fails to disclose a single button for cycling between a plurality of display modes.

In an analogous art, Schindler discloses a video display system (Fig. 1A and B) wherein the user will initiate a single instruction (TV button; column 13, lines 57-59) using a television remote control (Fig. 9A-C; column 12, lines 32-59) to cycle through a plurality of display modes (column 12, lines 57-59) for the typical benefit of allowing a plurality of display modes to be flexibly cycled through using a single instruction (column 12, lines 57-59).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Gaughan's system to include a single button for cycling between a plurality of PIP modes, as taught by Schindler, for the typical benefit of allowing a plurality of display modes to be flexibly cycled through using a single instruction.

5. Claims 1-6, 8-10, 13-20 and 22-29, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaughan in view of Schindler and Canfield et al. (Canfield) (5,031,044) (of record).

As to claim 1, Gaughan discloses a method of viewing multi-media content on a television having a display area (Fig. 1; column 3, lines 54-63), comprising:

providing a remote control (Fig. 1; remote control, 20) to control images being displayed on the display area (column 3, lines 55-63);

displaying a first image of a first type on the display area (displaying television video on the display; column 4, lines 51-54), the first image substantially filling the display area (wherein a displayed television signal will **substantially** fill the television screen; column 4, lines 51-53) and having a first length and a first width (wherein the displayed video inherently has a length and a width), the first image having a first length-to-width ratio (wherein the displayed video inherently has a length-to-width ratio);

initiating a first instruction on the remote control to modify the first image being displayed on the display area (initiating an instruction for the television video to be displayed in the smaller PIP window; column 4, lines 64-67 and column 6, lines 53-59);

displaying on the display area a reduced version of the first image (television video in the PIP window; column 4, lines 64-67 and column 6, lines 53-59) overlaid on a second image of a second type (wherein the main window now contains Internet info; column 4, lines 64-67 and column 6, lines 53-59) in response to the first instruction (user instruction to reduce the television video; column 4, lines 44-48 and lines 64-67 and column 6, lines 57-59), the reduced image of the first image having a second length and a second width (wherein the displayed video inherently has a length and a width), and having a second length-to-width ratio (wherein the displayed video inherently has a length-to-width ratio), the first and second values of the length-to-width ratio being substantially the same (this second image has a length-to-width ratio substantially the same as the first by being on the same display in a reduced format).

While Gaughan discloses displaying a reduced version image in response to initiation of the first instruction on the remote control (column 4, lines 44-48 and lines 64-67 and column 6, lines 57-59) and removing the first image from the display area (PIP off; column 9, lines 34-41), he fails to specifically disclose progressively reducing the length and width of the first image while preserving its length-to-width ratio in response to subsequent initiations of the first instruction.

In an analogous art, Schindler discloses a video display system (Fig. 1A and B) wherein the user will initiate a single instruction (TV button; column 13, lines 57-59) using a television remote control (Fig. 9A-C; column 12, lines 32-59) to cycle through a plurality of display modes (column 12, lines 57-59) wherein a display is reduced in size through repeated initiations of the instruction (repeated presses of the TV button; column 12, lines 57-59) and removed from the display when the size of the image is less than a particular threshold (wherein the image reaches the smallest PIP size, and is then removed after the next button press; column 12, lines 57-59) for the typical benefit of allowing a plurality of display modes to be flexibly cycled through using a single instruction (column 12, lines 57-59).

Also, in an analogous art, Canfield discloses a television system providing PIP functionality (column 1, lines 10-24 and lines 33-40) wherein a user (using remote control Zoom keys; see Fig. 6 and column 1, lines 35-40) can progressively (through repeated indications to alter the inset size; column 3, lines 65-67 and column 4, lines 1-5 and lines 44-49) reduce the length and width of the PIP inset (column 2, lines 8-11, column 3, lines 65-67 and column 4, lines 1-5) while preserving it's length to width ratio

(see Figs. 1-4A) for the typical benefit of providing a user with more flexibility and control over the size of the displayed PIP video (column 1, lines 33-40).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Gaughan's system to include a single button for cycling between a plurality of PIP modes, as taught by Schindler, for the typical benefit of allowing a plurality of display modes to be flexibly cycled through using a single instruction.

Also, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Gaughan and Schindler's system to include progressively reducing the length and width of the first image while preserving its length-to-width ratio in response to initiations of an instruction, as taught by Canfield, for the typical benefit of providing a user with more flexibility and control over the size of the displayed PIP video.

As to claim 2, Gaughan, Schindler and Canfield disclose filling the display area with the second image of the second type (turning off the PIP to just display Internet info; see Gaughan at column 4, lines 44-50 and Fig. 10, steps 214-216) in response to a second instruction initiated with the remote control (see Gaughan at column 4, lines 44-50 and column 10, lines 64-67 and column 11, lines 1-3); and

displaying on the display area a reduced image of the second image (Internet info in the PIP window) overlaid on the first image (television video in the main display;

see Gaughan at column 4, lines 59-64) in response to a third instruction initiated with the remote control (see Gaughan at column 4, lines 44-48).

As to claims 3 and 4, Gaughan, Schindler and Canfield disclose the first image being either a video or browser image (wherein the main display and PIP display can interchangeably display television video or an Internet browser; see Gaughan at column 4, lines 59-67, column 5, lines 1-2 and column 9, lines 19-22) and the second image of the second type being a corresponding browser or video image (wherein the main display and PIP display can interchangeably display television video or an Internet browser; see Gaughan at column 4, lines 59-67, column 5, lines 1-2 and column 9, lines 19-22).

As to claim 5, Gaughan, Schindler and Canfield disclose wherein the remote control has a single button to input the instructions (see Schindler at column 12, lines 57-59).

As to claim 6, Gaughan discloses a method of viewing multi-media content on a television having a display area (Fig. 1; column 3, lines 54-63), comprising:

providing a remote control (Fig. 1; remote control, 20) having an input mechanism (column 3, lines 55-63);

displaying a first image of a first type on the display area (displaying internet data in the PIP display; column 4, lines 59-64), the first image having a first size (wherein the

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displayed PIP window inherently has a size; column 4, lines 51-53) and being overlaid over a portion of a second image of a second type (television video in the main display area; column 4, lines 59-64); and

initiating a first instruction with the input mechanism (column 4, lines 44-50).

While Gaughan discloses enlarging the first image with the first size (Internet in PIP window) to a second size until only the first image remains on the screen (Internet now displayed in the main window; column 4, lines 44-50) in response to the first image becoming as large as the second image (the Internet now being displayed in the full screen display as the television previously was; column 4, lines 44-48 and lines 64-67 and column 6, lines 57-59), he fails to specifically disclose progressively enlarging the size of the first image so the first image overlays a larger portion of the second image second image while preserving its length-to-width ratio in response to subsequent initiations of the first instruction.

In an analogous art, Schindler discloses a video display system (Fig. 1A and B) wherein the user will initiate a single instruction (TV button; column 13, lines 57-59) using a television remote control (Fig. 9A-C; column 12, lines 32-59) to cycle through a plurality of display modes (column 12, lines 57-59) for the typical benefit of allowing a plurality of display modes to be flexibly cycled through using a single instruction (column 12, lines 57-59).

Additionally, in an analogous art, Canfield discloses a television system providing PIP functionality (column 1, lines 10-24 and lines 33-40) wherein a user (using remote control Zoom keys; see Fig. 6 and column 1, lines 35-40) can progressively (through

repeated indications to alter the inset size; column 3, lines 65-67 and column 4, lines 1-5 and lines 44-49) enlarge the length and width of the PIP inset (wherein the user can Zoom In through up to 80 different sizes to progressively make the inset larger; column 1, lines 35-40, column 2, lines 8-12 and column 4, lines 44-49) while preserving it's length to width ratio (see Figs. 1-4A) for the typical benefit of providing a user with more flexibility and control over the size of the displayed PIP video (column 1, lines 33-40).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Gaughan's system to include a single button for cycling between a plurality of PIP modes, as taught by Schindler, for the typical benefit of allowing a plurality of display modes to be flexibly cycled through using a single instruction.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Gaughan and Schindler's system to include progressively enlarging the size of the first image so the first image overlays a larger portion of the second image second image while preserving its length-to-width ratio in response to initiations of an instruction, as taught by Canfield, for the typical benefit of providing a user with more flexibility and control over the size of the displayed PIP video.

As to claim 8, Gaughan, Schindler and Canfield disclose wherein the input mechanism of the remote control is a single button (see Schindler at column 12, lines 57-59).

As to claim 10, Gaughan discloses a method of viewing multi-media content on a television having a display area (Fig. 1; column 3, lines 54-63), comprising:

providing a remote control (Fig. 1; remote control, 20) having an input mechanism (column 3, lines 55-63);

displaying a first image of a first type on the display area (displaying television video on the display; column 4, lines 51-54), the first image having a first size (wherein the displayed television signal filling the television screen inherently has a size; column 4, lines 51-53) and being overlaid on a second image of a second type (Internet info), so that the second image is not visible to a user viewing the display area (shown in Fig. 10 and 11; wherein in step 214, PIP may be determined to be in an off state.

Correspondingly, at step 222 the Internet module may be displayed in the main area as seen at 224. Following, an instruction may be initiated to place TV video in the main area at 226. With the PIP off, the TV video is now overlaid on the Internet module display making the Internet module "not visible to a user viewing the display area"), the first image with the first size having a first length-to-width ratio (wherein the first image size inherently has a first length-to-width ratio);

initiating a first instruction with the input mechanism (user instruction to place the video in the PIP window; column 4, lines 44-48 and lines 64-67 and column 5, lines 1-2);

reducing the first image with the first size (TV video filling the display) to a second size (television video now displayed in the smaller PIP window; column 4, lines

64-67 and column 6, lines 53-59) in response to the first instruction (user instruction to reduce the television video; column 4, lines 44-48 and lines 64-67 and column 6, lines 57-59), so that the second image is partially displayed on the display area (wherein the main display now contains Internet info; column 4, lines 64-67 and column 6, lines 53-59), the first image with the second size having a second length to width ratio (wherein it inherently has the ratio).

that is substantially the same as the first length-to-width ratio (this second image has a length-to-width ratio **substantially the same** as the first by being on the same display in a reduced format).

While Gaughan discloses displaying a reduced version image in response to initiation of the first instruction on the remote control (column 4, lines 44-48 and lines 64-67 and column 6, lines 57-59) and wherein the first and second length-to-width ratios are the substantially same (this second image has a length-to-width ratio substantially the same as the first by being on the same display in a reduced format) and removing the first image (PIP off; column 9, lines 34-41), he fails to specifically disclose wherein a size of the first image of the first type is defined by a variable b with an initial value b_1 and decreasing the value of b from b_1 to b_2 to reduce the size of the first image and wherein the first and second length-to-width ratios are the same and performing a function in response to a set number of initiations of the first instruction.

The examiner takes official notice that it was notoriously well known in the art to assign variables, such as b , b_1 and b_2 , to represent data, such as the display sizes, for

the typical benefits of a means for using simple mathematical equations and models for the sizing of display images.

Additionally, the examiner takes official notice that it was notoriously well known in the art to maintain the length-to-width ratios of an image passing between the main picture area and a PIP window, such as by reducing the image by a set fractional value, for the typical benefit of ensuring that the PIP window is providing the images clearly to the user without stretching or distorting the image.

Also, in an analogous art, Schindler discloses a video display system (Fig. 1A and B) wherein the user will initiate a single instruction (TV button; column 13, lines 57-59) using a television remote control (Fig. 9A-C; column 12, lines 32-59) to cycle through a plurality of display modes (column 12, lines 57-59) wherein a display is reduced in size and then removed from the display through repeated initiations of the instruction (repeated presses of the TV button; column 12, lines 57-59) for the typical benefit of allowing a plurality of display modes to be flexibly cycled through using a single instruction (column 12, lines 57-59).

Finally, in an analogous art, Canfield discloses a television system providing PIP functionality (column 1, lines 10-24 and lines 33-40) wherein a user (using remote control Zoom keys; see Fig. 6 and column 1, lines 35-40) can progressively (through repeated indications to alter the inset size; column 3, lines 65-67 and column 4, lines 1-5 and lines 44-49) reduce the length and width of the PIP inset (column 2, lines 8-11, column 3, lines 65-67 and column 4, lines 1-5) while preserving its length to width ratio

(see Figs. 1-4A) for the typical benefit of providing a user with more flexibility and control over the size of the displayed PIP video (column 1, lines 33-40).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Gaughan's system to include wherein a size of the first image of the first type is defined by a variable b with an initial value b_1 and decreasing the value of b from b_1 to b_2 to reduce the size of the first image for the typical benefits of a means for using simple mathematical equations and models for the sizing of display images.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Gaughan's system to include wherein the first and second length-to-width ratios are the same for the typical benefit of ensuring that the PIP window is providing the images clearly to the user without altering or distorting the image.

Also, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Gaughan's system to include performing a function in response to a set number of initiations of the first instruction, as taught by Schindler, for the typical benefit of allowing a plurality of display modes to be flexibly cycled through using a single instruction.

Finally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Gaughan and Schindler's system to include progressively reducing the length and width of the first image while preserving its length-to-width ratio in response to initiations of an instruction, as taught by Canfield, for

the typical benefit of providing a user with more flexibility and control over the size of the displayed PIP video.

As to claim 13, Gaughan, Schindler and Canfield disclose wherein the input mechanism of the remote control is a single button (wherein the input mechanism of the remote is made up of buttons; see Schindler at column 12, lines 57-59).

As to claims 9 and 14, Gaughan, Schindler and Canfield disclose wherein the input mechanism of the remote control has a first button (Zoom In; see Canfield at Fig. 6) and a second button (Zoom Out; see Canfield at Fig. 6), where the first button progressively decreases the size of the first image being displayed on the display area (wherein the user can Zoom Out through up to 80 different sizes to progressively make the inset smaller; column 1, lines 35-40, column 2, lines 8-12 and column 4, lines 44-49), and the second button progressively increases the size of the first image being displayed on the display area (wherein the user can Zoom In through up to 80 different sizes to progressively make the inset larger; column 1, lines 35-40, column 2, lines 8-12 and column 4, lines 44-49).

As to claims 15, 16, 17 and 18, Gaughan, Schindler and Canfield fail to specifically disclose wherein the second length-to-width ratios are either 4:3 or 16:9.

The examiner takes official notice that it was notoriously well known in the art at the time of invention to utilize 4:3 and 16:9 for length to width ratios, corresponding to

standard and widescreen video, respectively, for the benefits of utilizing well known screen formats with a standardized aspect ratio that is appealing to viewers.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Gaughan, Schindler and Canfield's system to include wherein the second length-to-width ratios are either 4:3 or 16:9 for the benefits of utilizing well known screen formats with a standardized aspect ratio that is appealing to viewers.

As to claims 19 and 20, Gaughan, Schindler and Canfield fail to specifically disclose wherein the second length-to-width ratios are either 4:3 or 16:9.

The examiner takes official notice that it was notoriously well known in the art at the time of invention to utilize 4:3 and 16:9 for length to width ratios, corresponding to standard and widescreen video, respectively, for the benefits of utilizing well known screen formats with a standardized aspect ratio that is appealing to viewers.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Gaughan, Schindler and Canfield disclose's system to include wherein the second length-to-width ratios are either 4:3 or 16:9 for the benefits of utilizing well known screen formats with a standardized aspect ratio that is appealing to viewers.

As to claim 22, Gaughan, Schindler and Canfield disclose restoring the first image to substantially fill the display area (Internet displayed in the main window;

column 4, lines 44-50) in a closed-loop display cycle in response to initiating the first instruction by the remote control after the first image has been removed (see Schindler at column 12, lines 57-59).

As to claim 23, Gaughan, Schindler and Canfield disclose progressively enlarging the length and width of the first image while preserving it's length-to-width ratio (wherein the user can Zoom In through up to 80 different sizes to progressively make the inset larger; see Canfield at column 1, lines 35-40, column 2, lines 8-12 and column 4, lines 44-49) in a closed-loop display cycle in response to initiating the first instruction by the remote control after the first image has been removed (see Schindler at column 12, lines 57-59).

As to claim 24, Gaughan, Schindler and Canfield disclose removing the first image from the display area (wherein the PIP window is turned off and only the main image is shown; see Gaughan at column 4, lines 50-53) after a second set number of initiations of the first instruction by the input mechanism (see Schindler at column 12, lines 57-59).

As to claim 25, Gaughan, Schindler and Canfield disclose restoring the first image to its original size (Internet displayed in the PIP window; see Gaughan at column 4, lines 59-64) in a closed-loop display cycle after a second set number of initiations of the first instruction by the input mechanism (see Schindler at column 12, lines 57-59).

As to claims 26 and 27, Gaughan, Schindler and Canfield disclose progressively reducing the length and width of the first image while preserving it's length-to-width ratio (see Canfield at column 2, lines 8-11, column 3, lines 65-67 and column 4, lines 1-5) in a closed-loop display cycle by the input mechanism (see Schindler at column 12, lines 57-59) until removing the first image after a second set of initiations of the first instruction (wherein the PIP window is turned off and only the main image is shown; see Gaughan at column 4, lines 50-53 and see Schindler at column 12, lines 57-59).

As to claim 28, Gaughan, Schindler and Canfield disclose restoring the first image to its original size (Internet displayed in the PIP window; see Gaughan at column 4, lines 59-64) in a closed-loop display cycle after at least one additional initiation of the first instruction by the input mechanism (see Schindler at column 12, lines 57-59).

As to claim 29, Gaughan, Schindler and Canfield disclose progressively enlarging the length and width of the first image while preserving it's length-to-width ratio (wherein the user can Zoom In through up to 80 different sizes to progressively make the inset larger; see Canfield at column 1, lines 35-40, column 2, lines 8-12 and column 4, lines 44-49) in a closed-loop display cycle after an additional number of initiations of the first instruction by the remote control (see Schindler at column 12, lines 57-59).

As to claim 32, while Gaughan, Schindler and Canfield disclose a plurality of subsequent initiations of the first instruction (see Schindler at column 12, lines 57-59), they fail to specifically disclose holding down a button on the remote control.

The examiner takes official notice that it was notoriously well known in the art at the time of invention to allow a user to hold down a button to allow multiple inputs of a command, wherein a certain amount of time holding the button is equated to another input, for the typical benefits of providing a simpler, more user friendly interface, by allowing a single button press to be used when multiple instances of the same instruction are desired.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Gaughan, Schindler and Canfield's system to include holding down a button on the remote control for the typical benefits of providing a simpler, more user friendly interface, by allowing a single button press to be used when multiple instances of the same instruction are desired.

As to claim 33, Gaughan, Schindler and Canfield disclose wherein each progressively reduced image is flush with a particular corner of the display (wherein the user may move and position the PIP windows to wherever they wish, including the corners of the display; column 2, lines 24-31, column 5, lines 48-55 and column 6, lines 8-23).

Response to Arguments

6. Applicant's arguments with respect to Sweetser have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's arguments have been fully considered but they are not persuasive.

a. In response to applicant's arguments on pages 11-14, in regards to claim 30, it is noted that the claim does not require four *different and separate* buttons as applicant suggests. The only requirement is the presence of a button which will perform each function. This is clearly the case in Gaughan, as indicated in the rejection above, as buttons are pressed to initiate the different displays. While applicant repeatedly uses the language of "separate", "different" and "specialized" to describe the buttons in applicant's response, it is noted that none of this defining language is contained within the claim. Applicant's arguments are not persuasive.

b. In response to applicant's arguments on page 15, in regards to the use of variables to represent sizes, it is noted that Gaughan specifically shows 3 different display sizes for television or Internet data. As indicated in the rejections above, the television can be displayed in a main portion (representing the typical full screen of the television) with a size representing the full display, in a PIP window with a size representing a small portion of the display, or wherein the television is no longer displayed which corresponds to a size of zero. As Gaughan shows the behavior of utilizing different size displays for an image, and

the removal of the particular display image, resulting in a display size of zero for that image, the Official Notice is only used to demonstrate the use of variables to represent these values from Gaughan. Applicant's arguments are not persuasive.

c. In response to applicant's traversal of the Official Notice in regards to wherein the PIP window is sized according to the dimensions of the first window, it is noted that the examiner has previously indicated that Crump (5,801,785) is of record and specifically discloses wherein the PIP window is simply a scaled down version of the regular display (1/4 or 1/9 size), and thus would not change the aspect ratio of the display.

d. In response to applicant's arguments on pages 15-26 see (a) and the rejections above, as these arguments are moot in view of the new grounds of rejection including Schindler.

e. In response to applicant's arguments on page 27, in regards to Canfield's supposed teaching away from keeping the images flush with the same corner of the display, it is noted that despite applicant's arguments, Canfield specifically discloses that the PIP windows may be positioned in the corner of the display. Further, Canfield specifically discloses that the user may move and position the window at any location. Thus, applicant's argument is not persuasive, as

Canfield clearly discloses wherein the progressively reduced images may all be flush with a particular corner of the display.

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Vesterling (4,371,979) disclosing holding a button to input a plurality of consecutive inputs of an instruction.

Hayashi (5,313,282) disclosing holding a button to input a plurality of consecutive inputs of an instruction.

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10. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Sheleheda
Patent Examiner
Art Unit 2617

JS


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